

FILED

DEC 13 2007

BEFORE THE DISCIPLINARY COMMISSION OF THE  
OF THE SUPREME COURT OF ARIZONA

DISCIPLINARY COMMISSION OF THE  
SUPREME COURT OF ARIZONA  
BY *[Signature]*

IN THE MATTER OF A MEMBER  
OF THE STATE BAR OF ARIZONA,

STUART J. REILLY,  
Bar No. 005275

RESPONDENT.

No. 06-0817

DISCIPLINARY COMMISSION  
REPORT

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on November 17, 2007, pursuant to Rule 58, Ariz.R.Sup.Ct., for consideration of the Hearing Officer's Report filed October 3, 2007, recommending acceptance of the Amended Tender of Admissions and the Agreement for Discipline by Consent (Tender) and the Amended Joint Memorandum (Joint Memorandum) in Support of Agreement for Discipline by Consent providing for a four-year suspension, two years of probation with the State Bar's Member Assistance Program (MAP), restitution, and costs.

Decision

Having found no facts clearly erroneous, the seven members<sup>1</sup> of the Disciplinary Commission unanimously recommend accepting and incorporating the Hearing Officer's findings of fact, conclusions of law, and recommendation for a four-year suspension, two years of probation (MAP) including a practice monitor upon reinstatement, restitution, and costs of these disciplinary proceedings.<sup>2</sup> The terms of

<sup>1</sup> Commissioner Katzenberg did not participate in these proceedings. Commissioner Todd recused.

<sup>2</sup> A copy of the Hearing Officer's Report is attached as Exhibit A.

probation and restitution are as follows:

**Terms of Probation**

1. Upon reinstatement, Respondent shall be placed on two years of probation effective the date of the signing of the probation contract. Probation shall include MAP monitoring and treatment, a practice monitor, in addition to any other terms and conditions deemed appropriate at the time of reinstatement.

2. Respondent shall pay, as restitution, all monies owed to the Wilson's in Maricopa County Superior Court Cause No. CV2004-02985 in full prior to filing his application for reinstatement.<sup>3</sup>

3. Respondent shall pay all costs associated with these proceedings.

4. In the event that Respondent fails to comply with any of the foregoing conditions, and the State Bar receives information, bar counsel shall file with the imposing entity a Notice of Non-Compliance, pursuant to Rule 60(a)(5), Ariz.R.Sup.Ct. The Hearing Officer shall conduct a hearing within 30-days after receipt of said notice, to determine whether the terms of probation have been violated and if an additional sanction should be imposed. In the event there is an allegation that any of these terms have been violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by clear and convincing evidence.

RESPECTFULLY SUBMITTED this 13<sup>th</sup> day of December, 2007.



J. Conrad Baran, Chair  
Disciplinary Commission

<sup>3</sup> The record reflects that a default judgment was entered in the amount of \$30,000, plus \$3,812 in attorney fees and costs of \$397.06.

1 Original filed with the Disciplinary Clerk  
this 13<sup>th</sup> day of December, 2007.

2 Copy of the foregoing mailed  
3 this 13<sup>th</sup> day of December, 2007, to:

4 Donna Lee Elm  
5 Hearing Officer 6N  
6 Federal Public Defender  
850 West Adams Street, Suite 201  
Phoenix, AZ 85007

7 Stuart J. Reilly  
8 Respondent  
9 P.O. Box 80410  
Phoenix, AZ 85060-0410

10 Roberta L. Tepper  
11 Bar Counsel  
12 State Bar of Arizona  
4201 North 24th Street, Suite 200  
Phoenix, AZ 85016-6288

13 by Brenda D. Muenzer  
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